

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3
4 UNWIRED PLANET LLC)

5 Plaintiff,)

6 v.)

7
8 GOOGLE INC.,)

9 Defendant.)
10)
11)

3:12-cv-00504-MMD-VPC

**ORDER GRANTING DEFENDANT
GOOGLE'S MOTION TO COMPEL
SUPPLEMENTARY INFRINGEMENT
CONTENTIONS AND DENYING
PLAINTIFF UNWIRED PLANET'S
MOTION TO COMPEL DISCOVERY**

October 21, 2014

12 Before the court is a motion by defendant Google Inc. ("Google") to compel supplementary
13 infringement contentions (#244) and a motion by plaintiff Unwired Planet LLC ("UP") to compel
14 certain discovery (#269). The court has reviewed the motions and all other papers, including the
15 parties' joint notice regarding pending discovery motions (#434) and joint stipulation on
16 representative source code (#433). This order follows.

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18 The court **GRANTS** Google's motion to compel supplementary infringement contentions
19 (#244). No later than **THIRTY DAYS** from entry of this order, UP must supplement its
20 infringement contentions with the following information:
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- 22 (1) for the '087 patent, specifically identify the alleged "image having dimensions much
23 larger than the dimension of the screen" in Google Maps and Google Earth; and
24 (2) for the '087 patent, specifically identify where the reduced image is allegedly
25 "transformed" from the "much larger" image in Google Maps and Google Earth "with
26 respect to a set of parameters associated with the screen," and provide a separate pin
27 citation to source code for each such "parameter"; and
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- 1 (3) for the '087 patent, specifically identify where Google uses an original image to
2 "generate" an "image hierarchy starting with a reduced image"; and
- 3 (4) for the '657 and '240 patents, specifically identify the "fleet data" pushed by GCM,
4 C2DM, Google Play, and GAMM, and provide pin citations to the source code where
5 such "fleet data" is pushed to mobile devices; and
- 6 (5) for the '657 and '240 patents, specifically identify each alleged "challenge response"
7 in GCM, C2DM, Google Play, and GAMM, and provide pin citations to the
8 corresponding source code; and
- 9 (6) for the '657 and '240 patents, specifically identify the "account manager" in GCM,
10 C2DM, Google Play, and GAMM, the activity or activities that are alleged to
11 constitute "managing a plurality of user accounts," and provide pin citations to the
12 corresponding source code; and
- 13 (7) for the '240 patent, specifically identify each mechanism alleged to "control access to
14 fleet data" in GCM, C2DM, Google Play, and GAMM, and provide pin citations to
15 the corresponding source code; and
- 16 (8) for the '240 patent, specifically identify each mechanism alleged to "authenticate a
17 request" in GCM, C2DM, Google Play, and GAMM, and provide pin citations to
18 corresponding source code; and
- 19 (9) for the '240 patent, specifically identify, in a non-exemplary manner, the alleged
20 GCM, C2DM, Google Play, and GAMM proxy servers; and
- 21 (10) for the '240 patent, specifically identify the alleged GCM, C2DM, Google Play, and
22 GAMM fleet servers.
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1 The court also **DENIES WITHOUT PREJUDICE** UP's motion to compel discovery on
2 changes in versions of source code (#269). As to the '657, '016, '240, and '760 patents, the motion
3 is moot (*see* #434 at 2). As to the '087 patent, the court finds that the motion does not satisfy the
4 requirements of Federal Rule 26(b). Although the standard for discovery is broad, UP has
5 articulated no infringement contentions regarding the historical code for which its motion seeks
6 production (*see* #291 at 6-7). Absent infringement contentions pertaining to such code, it does not
7 appear to the court that the motion seeks information reasonably calculated to lead to the discovery
8 of admissible evidence in support of UP's case. *See* Fed. R. Civ. P. 26(b). Accordingly, the court
9 denies the motion with leave to refile upon UP's articulation of proper infringement contentions for
10 the historic code, and subsequent noncompliance by Google with proper discovery requests
11 pertaining to such code.
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14 **IT IS SO ORDERED.**

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17 **DATED:** October 27, 2014.

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19 **UNITED STATES MAGISTRATE JUDGE**
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